IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.1935 of 2006

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Dated: February 09, 2007

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Between:

Sri Md. Younus, S/o. Sri late Md. Malong,
Islam, aged about 24 years, Occ: nil,
R/o. Sangareddy, Medak District.

... Petitioner

And

The District Youth Welfare Officer-cum-Ex-Officio
Chief Executive Officer, Society for Training and
Employment Promotion, Medak District (METEOR)
Medak, Sangareddy, and another.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in not appointing the petitioner as Watchman on compassionate grounds in the office of the Society for Training and Employment Promotion, Medak District (METEOR) as arbitrary and illegal.

2. The father of the petitioner by name Md. Malong

was appointed as Watchman by the then Chairman of METEOR by proceedings dated
21-08-1984. After serving for about 20 years, he died while in service on 25-08-2004. Thereafter, petitioner's mother made a representation dated 22-09-2004 requesting the respondents to appoint the petitioner, who is the eldest son of theirs, on compassionate grounds. The case of the petitioner is that though he entitled for such appointment, respondents have not issued orders appointing him on compassionate grounds, without assigning any valid reason.

3. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondents.

4. Respondents have filed counter affidavit admitting that petitioner's father, who was working as Watchman in their organization, died in harness on 25-08-2004. It is stated that after the death of petitioner's father, his mother made an application requesting for appointment of petitioner on compassionate grounds, which was forwarded to the Managing Director, Society for Training and Employment (STEP). The same was, in turn, forwarded to the Secretary, Youth, Advertisement, Tourism and Culture (Y.S) Department, which, by order dated 04-02-2006, rejected the proposal for appointment of the petitioner on compassionate grounds on the ground that such benefit is applicable to regular employees only and since the proposal for regularization of services of the petitioner's father along with others

was rejected in terms of G.O.Ms.No.212 dated 22-04-1994, the question of appointing the petitioner on compassionate grounds does not arise.

5. It is stated that the post of Watchman is a district-cadre post. In the material papers filed along with the Writ Petition, petitioner has filed proceedings of the District Collector dated 24-02-1995, who is the Chairman of the respondent-society, wherein it is stated that in terms of Rule-17 of the Service Rules, services of certain employees are regularized. In the aforesaid proceedings, name of the petitioner's father finds place at S.No.14, showing his date of appointment as 24-08-1984 and date of regularization/commencement of service from 24-08-1984.

6. As much as the competent authority, i.e. the District Collector/Chairman of the respondent-organization has issued proceedings dated 24-02-1995, regularizing the services of the petitioner's father as per the applicable Service Rules, it is not open for the respondent to reject the proposal with regard to appointment of petitioner on compassionate grounds, on the ground that services of his father were not regularized in terms of G.O.Ms.No.212 dated 22-04-1994.

7. As much as it is stated that the order dated 04-02-2006, rejecting the proposal for appointment of the petitioner on compassionate grounds, is not communicated to him, and the same is passed without taking into account the proceedings dated 24-02-1995,

issued by the competent authority, regularizing the services of the petitioner's father, I dispose of the Writ Petition directing the respondents to consider the request of the petitioner for appointment as Watchman, on compassionate grounds, afresh, and pass appropriate orders, taking into account the proceedings dated 24-02-1995, issued by the District Collector/Chairman of METEOR, within a period of two months from the date of receipt of this order. No costs.

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JUSTICE R. SUBHASH REDDY.

February 09, 2007
MRR